

FILED

JUN 19 2019

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

GENESIS NETWORKS ENTERPRISES, LLC)

Plaintiff,)

v.)

MEGGAN EHRET)

Defendant.)

SA 19CA0723
Cause No.
(formerly District Court 408th Judicial
District, Bexar County, Texas – Case
No. 2019CI09547)**FB****NOTICE OF REMOVAL**

Defendant, Meggan Ehret, hereby removes Case No. 2019CI09547 from the District Court 408th Judicial District, Bexar County, Texas pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 and, as grounds for her removal, states as follows:

STATEMENT OF THE CASE

1. On May 10, 2019, Plaintiff Genesis Networks Enterprises, LLC filed Plaintiff's Original Petition for Declaratory Judgment in the District Court 408th Judicial District, Bexar County, Texas styled Genesis Networks Enterprises, LLC v. Meggan Ehret, Case No. 2019CI09547 ("State Court Declaratory Judgment Action"). A copy of the Original Petition is attached as Exhibit A.

2. Ehret was served with the Original Petition and Citation on June 6, 2019.

3. The Original Petition for Declaratory Judgment purports to seek a declaratory judgment that no contract existed between the parties as to a monthly retainer fee. It was filed after Plaintiff (and others) received a demand letter from the natural plaintiff, Meggan Ehret, that included a draft complaint she stated she would file in the United States District Court for the

Southern District of Indiana unless the Plaintiff (and others) submitted payment to Ehret for services performed.

4. On May 14, 2019, Ehret filed a Complaint in the United States District Court for the Southern District of Indiana, Indianapolis Division against Plaintiff Genesis Networks Enterprises, LLC as well as Genesis Networks Incorporated and James Goodman asserting three causes of action against Genesis Networks Enterprises, LLC, Genesis Networks Incorporated, and James Goodman: (1) breach of contract for failing to pay Ehret for valuable services rendered; (2) unjust enrichment as each of Genesis Networks Enterprises, LLC, Genesis Networks Incorporated, and James Goodman would be unjustly enrich if they were able to take the benefit of Ehret's time and expertise without paying her adequate compensation; and, in the alternative, (3) quantum meruit ("Indiana US District Court Action"). In the Indiana US District Court action, the natural plaintiff seeks recovery of more than \$75,000. The Indiana US District Court action is the more complete action with all potential parties involved and was filed by the natural plaintiff—the one entitled to monetary recovery.

DIVERSITY JURISDICTION UNDER 28 U.S.C. § 1332

5. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship between the Plaintiff (and the majority owner of the corporate Defendant) and the Defendant and the amount in controversy exceeds \$75,000, exclusive of interests and costs.

6. Plaintiff Genesis Networks Enterprises, LLC is a Texas entity with its principal place of business in San Antonio, Texas and is therefore domiciled in Texas. James Goodman owns ninety percent (90%) of Genesis Networks Enterprises, LLC and Defendant James Goodman is domiciled in Texas.

7. Defendant Meggan Ehret is a resident of Hamilton County, Indiana and therefore domiciled in Indiana.

8. The Original Petition filed in the State Court Declaratory Judgment states the amount in controversy exceeds \$75,000. Thus, this District Court has jurisdiction pursuant to 28 USC § 1332 as there is complete diversity between Plaintiff and Defendant in this action and the amount in controversy exceeds \$75,000.

ALL PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN SATISFIED

9. Pursuant to 28 USC § 1446(a), a true and accurate copy of all the process, pleadings, orders, and documents from the State Court Declaratory Judgment Action where have been served on Ehret are being filed with this Notice of Removal.

10. This Notice of Removal has been filed within 30 days of the date Ehret was served with the Original Petition and Citation in this matter. Removal is therefore timely in accordance with 28 USC § 1446(b).

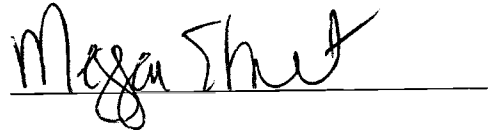
11. Finally, while venue is proper in this District pursuant to 28 USC §§ 1441(a) and 1446(a) because the US District Court for the Western District of Texas is the federal judicial district embracing the District Court 408th Judicial District, Bexar County, Texas where the State Court Declaratory Judgment Action was original filed, the natural plaintiff (Defendant here) Meggan Ehret believes the appropriate venue to hear the dispute is the US District Court for the Southern District of Indiana, which is where the Indiana US District Court Action is pending already. When appropriate, she will file a motion to dismiss this action or, in the alternative, transfer the action to the US District Court for the Southern District of Indiana.

CONCLUSION

By this Notice of Removal, Ehret does not waive any objections she may have as to service, jurisdiction, or venue, or any other defenses or objections it may have to this action. Ehret intends no admission of fact, law, or liability by this Notice and expressly reserves all defenses, motions, and/or pleas.

Dated: 17 June 2019

Respectfully submitted,



Defendant, Meggan Ehret
3690 Gould Drive
Carmel, Indiana 46033

317-366-8476

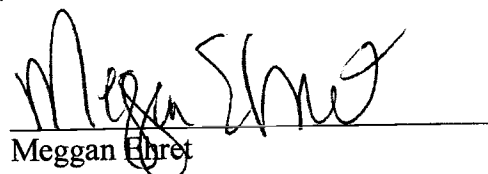
Meggan.ehret@gmail.com

CERTIFICATE OF SERVICE

This is to certify that the foregoing DEFENDANT'S NOTICE OF FILING OF NOTICE OF REMOVAL, with its exhibits, was sent via United States mail on the 17th day of June, 2019, postage prepaid thereon to:

Richard W. Epsey
Victor M. Campos

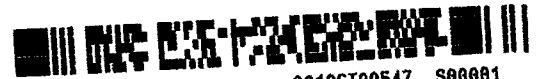
Espey & Associates, PC
12400 San Pedro, Suite 200
San Antonio, Texas 78216
Telephone: (210) 404-0333
Telecopier: (210) 404-0336
respey@lawespey.com
vcampos@lawespey.com
Attorneys for Plaintiff



Meggan Ehret

PRIVATE PROCESS

Case Number: 2019-CI-09547



IN THE DISTRICT COURT
408th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

GENESIS NETWORKS ENTERPRISES LLC

MEGGAN EHERT

(Note: Attached Document May Contain Additional Litigants.)

CITATION

"THE STATE OF TEXAS"

Directed To: MEGGAN EHERT

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION FOR DECLARATORY JUDGMENT, a default judgment may be taken against you." Said ORIGINAL PETITION FOR DECLARATORY JUDGMENT was filed on the 10th day of May, 2019.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 15TH DAY OF MAY A.D., 2019.

RICHARD WILLIAM ESPEY
ATTORNEY FOR PLAINTIFF
12400 SAN PEDRO AVE 200
SAN ANTONIO, TX 78216-2887



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: *Adrianna Cardenas*, Deputy

GENESIS NETWORKS ENTERPRISES LLC
VS
MEGGAN EHERT

Officer's Return

Case Number: 2019-CI-09547
Court: 408th Judicial District Court

I received this CITATION on _____ at _____ o'clock ____ M. and () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION FOR DECLARATORY JUDGMENT the date of delivery endorsed on it to the defendant, _____, in person on the _____ at _____ o'clock ____ M. at: _____ or () not executed because _____

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____, County, Texas

By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____, _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant

FILED
5/10/2019 12:27 PM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Victoria Angeles

CAUSE NO. **2019CI09547**

GENESIS NETWORKS
ENTERPRISES, LLC

V.

MEGGAN EHRET

§
§
§
§
§
§

IN THE DISTRICT COURT

408th JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION FOR DECLARATORY JUDGMENT

TO THE HONORABLE COURT:

NOW COMES Plaintiff Genesis Networks Enterprises, LLC. ("Plaintiff" or "Genesis"), pursuant to the Declaratory Judgment Act, Chapter 37 of the Civil Practice and Remedies Code of Texas, and files this action for declaratory judgment and in support hereof would respectfully show this Court as follows:

I.

Plaintiff pleads that discovery should be conducted in accordance with a discovery control plan under Texas Rule of Civil Procedure 190.3.

II.

Plaintiff Genesis Networks Enterprises, LLC is company authorized to conduct the business in the State of Texas with its principal place of business in San Antonio, Texas.

Defendant Meggan Ehret is a resident of Hamilton County, Indiana and can be served by Private Process at 3690 Gould Drive, Carmel, Indiana 46033.

III.

An actual controversy exists between the parties hereto within the meaning of Texas Civil Practice and Remedies Code Section 37.0001 et seq. (the "Declaratory Judgments Act"). A ruling by this Court will not be advisory in nature, but will dispose of the issues and parties involved.

Venue is proper in Bexar County pursuant to Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code as Bexar County was the county where all or a substantial part of the events or omissions giving rise to the claim occurred. It should be noted that the Defendant traveled to Bexar County in regards to the events giving rise to the claim.

This Court has jurisdiction over the Defendants and the amount in controversy in the underlying lawsuit exceeds the minimum jurisdictional limits of this Court. Plaintiff seeks monetary relief of \$100,000.00 or less and non-monetary relief.

IV.

On or about January 8, 2019, Plaintiff sought the services of a consultant to assist in the negotiation and purchase of software. Defendant was contacted and asked to assist in the negotiation and review of documents related the purchase of software by the Plaintiff.

A fee schedule or compensation scheme was never agreed to.

Plaintiff sought hourly rates and fee schedules from the Defendant for work performed. Defendant responded by stating that she would only accept a \$50,000.00 per month retainer fee.

Defendant is now seeking three months' worth of a retainer fee in the amount of \$150,000.00.

Such an agreement was never reached, either verbally or in writing. Plaintiff seeks a declaration from the court that a retainer fee as described above was never agreed to and that no contract, either verbal or in writing, exists or has existed.

V.

Plaintiff seeks a declaration from this Court that no contract existed between the parties as to a monthly retainer fee. Further, Plaintiff seeks a declaration that the Defendant did not enter into

a verbal contract or written contract with the Plaintiff with regard to a retainer fee and therefore has no grounds to enforce the terms of a contract, which does not exist.

Plaintiff has retained the firm of Espey & Associates, PC to represent it in this action and has agreed to pay the firm reasonable and necessary attorney's fees. An award of reasonable and necessary attorney's fees to Plaintiff would be equitable and just and therefore authorized by Section 37.009 of the Civil Practice and Remedies Code.

WHEREFORE, Plaintiff requests that:

1. A declaration that Plaintiff and Defendant did not enter into any monthly retainer fee contract;
2. A declaration that no contract, verbal or written, exists between the parties as to a monthly retainer fee;
3. A declaration that the Defendant has no enforceable contractual rights against the Plaintiff;
4. Pre-judgment interest and post-judgment interest;
5. Reasonable attorney's fees, interest and costs of court; and
6. For such other and further relief, general or special, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

ESPEY & ASSOCIATES, PC
12400 San Pedro Avenue, Suite 200
San Antonio, Texas 78216
Telephone: (210) 404-0333
Telecopier: (210) 404-0336

By: 

RICHARD W. ESPEY
State Bar No. 06667580
VICTOR M. CAMPOS
State Bar No. 24092217

ATTORNEY FOR PLAINTIFF

SA 19CA0723

CIVIL COVER SHEET

FB

JS 44 (Rev. 06/17)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Genesis Networks Enterprises LLC

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

Bexar County, Texas

(c) Attorneys (Firm Name, Address, and Telephone Number)

Richard William Espey
12400 San Antonio Ave 200
San Antonio, TX 78216-2887**DEFENDANTS**

Meggan Ehret

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

Hamilton County, Indiana

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|---------------------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutional of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC § 1332

Brief description of cause:

Plaintiff (and others) have reached agreement with defendant by failing to pay

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

7375000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

JRS - MPB

DOCKET NUMBER 1:19-cv-01945

DATE

17 June 2019

SIGNATURE OF ATTORNEY OF RECORD

Meggan Ehret

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFF

JUDGE

MAGN

MJ-RBF

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

SAN ANTONIO

DIVISION

Supplement to JS 44 Civil Cover Sheet
Cases Removed from State District Court



This form must be filed with the Clerk's Office no later than the **first business day** following the filing of the Notice of Removal. Additional sheets may be used as necessary.

The attorney of record for the removing party **MUST** sign this form.

STATE COURT INFORMATION:

1. Please identify the court from which the case is being removed; the case number; and the complete style of the case.

District Court 408th Judicial District Bexar County, Texas
Case No. 2019-CI-09547

Genesis Networks Enterprises LLC vs. Meggan Ehret

2. Was jury demand made in State Court? Yes ☐ No ☒

If yes, by which party and on what date?

Party Name

Date

STATE COURT INFORMATION:

1. List all plaintiffs, defendants, and intervenors still remaining in the case. Also, please list the attorney(s) of record for each party named and include the attorney's firm name, correct mailing address, telephone number, and fax number (including area codes).

Plaintiff: Genesis Networks Enterprises LLC
Attorney of Record for Plaintiff:
Richard William Espey and Victor Campos
Espey & Associates, PC
12400 San Pedro Avenue, Suite 200
San Antonio, Texas 78216
Telephone: (210) 404-0333
Telecopier: (210) 404-0336

Defendant: Meggan Ehret
3690 Gould Drive
Carmel, Indiana 46033
Mobile: 317-366-8476
meggan.ehret@gmail.com
(no fax number)

2. List all parties that have not been served at the time of the removal, and the reason(s) for non-service.

NA

3. List all parties that have been non-suited, dismissed, or terminated, and the reason(s) for their removal from the case.

NA

COUNTERCLAIMS, CROSS-CLAIMS, and/or THIRD-PARTY CLAIMS:

1. List separately each counterclaim, cross-claim, or third-party claim still remaining in the case and designate the nature of each such claim. For each counterclaim, cross-claim, or third-party claim, include all plaintiffs, defendants, and intervenors still remaining in the case. Also, please list the attorney(s) of record for each party named and include the attorney's firm name, correct mailing address, telephone number, and fax number (including area codes).

Only the Plaintiff's Original Petition for Declaratory Judgment was filed in the state court. Defendant timely removed and will timely file responsive pleading

Plaintiff: Genesis Networks Enterprises LLC; Attorney of Record for Plaintiff: Richard William Espey and Victor Campos Espey & Associates, PC, 12400 San Pedro Avenue, Suite 200, San Antonio, Texas 78216

Telephone: (210) 404-0333

Telecopier: (210) 404-0336

Defendant: Meggan Ehret

3690 Gould Drive

Carmel, Indiana 46033

Mobile: 317-366-8476

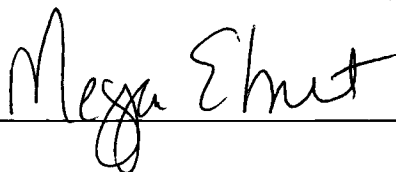
meggan.ehret@gmail.com

(no fax number)

VERIFICATION:

Meggan Ehret, pro se

Attorney for Removing Party



18 June 2019

Date

Meggan Ehret

Party/Parties



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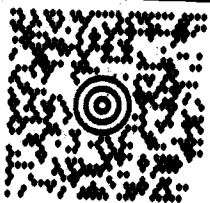
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WESTERN DISTRICT OF TEXAS
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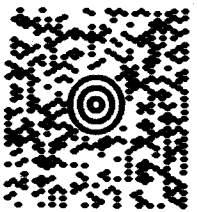
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CARREL IN 46032-2812

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DATE: 17 JUN 2019

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TO: US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
655 E CESAR E CHAVEZ BLVD

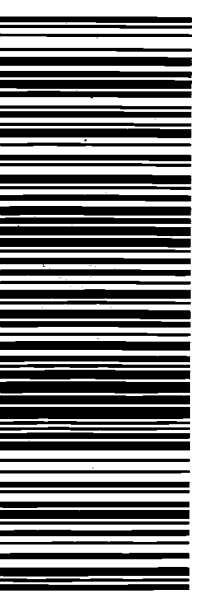
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